

REMARKS

Claims 1-30 are pending in the present application, and stand rejected. This application continues to include claims 1-30.

The Examiner objected to the specification, stating the title is not descriptive. Applicants have amended the specification to essentially adopt the title suggested by the Examiner, to wit: DEVICE FOR PROCESSING DATA PACKETS WITHOUT USE OF A MICROPROCESSOR AND A MEMORY.

Claims 1-3, 5-15, 19-25 and 28-30 were rejected under 35 USC §102(b) as being anticipated by Harriman, et al. (U.S. Patent No. 5,898,687). Applicants respectfully request reconsideration of the rejection of claims 1-3, 5-15, 19-25 and 28-30 in view of the following.

Claim 1 is directed to a method of processing data packets, and recites, receiving a plurality of the data packets at a selected node and extracting only pertinent information from the data packets while ignoring non-pertinent information from the data packets, the pertinent information being pertinent to said selected node; and generating a plurality of response data packets based on the pertinent information, wherein said extracting and generating steps are performed without use of a microprocessor.

The Examiner asserts that Harriman, et al. discloses this aspect of claim 1, relying on Harriman, et al. at column 3, lines 58-62 and column 4, lines 17-20, which state, “The header field contains cell routing and address information, e.g., virtual path (VP) and virtual circuit (VC) connection information, that is preferably translated prior to transmission over a link of the network. [] As described herein, these translators cooperate to convert the contents of each received cell header field to a new header in connection with conventional translation methods.” (Emphasis added). Applicants submit that Harriman, et al. provides no disclosure, 2001-0134.02/LII0337.US

teaching or suggestion that the referenced translation includes extracting only pertinent information while ignoring non-pertinent information from the data packets.

For example, Harriman, et al. further discloses at column 4, lines 35-49 as follows, “Upon receiving a cell from the source port 102, the switching fabric 110 extracts the payload data from the cell, stores it in its shared memory 112 over line 115 and records the memory address of that payload location in an address pointer 128. The payload location recorded in the pointer 128 comprises a K-bit memory address; e.g., the K-bit address is a 16-bit address. The ITF 120 processes the remaining header information to generate (i) a key over line 132 indicating whether the cell requires multicast replication, (ii) a priority value over line 134 for each cell specifying the priority level for the cell at the selected output port, and (iii) the VP/VC connection address over line 136 of the selected output port. If the cell does not require multicast replication, it is passed onto an appropriate one of the unicast output queues 130.” (Emphasis added). Nothing in Harriman, et al. provides any disclosure, teaching or suggestion that a non-pertinent part of the header information is ignored when processing the header, but rather, Harriman, et al. teaches that the payload data is extracted and stored, and then “the remaining header information” is processed.

The Examiner further states in relation to Harriman, et al. at column 3, lines 58-62 and column 4, lines 17-20, “That is, some of the useless information at this node such as the GFC field with 4 bits in the header is ignored and the 8 bits of VPI and 16 bits of VCI are preferably changed by discarding old information in order to add new information.” The Examiner, however, provides no support for this statement from Harriman, et al. In addition, the acronyms GFC, VPI and VCI do not appear in Harriman, et al.

The Examiner may not, because of doubt that the invention is patentable, resort to speculation, unfounded assumption or hindsight reconstruction to supply deficiencies in the factual basis for the rejection. *In re Warner*, 154 U.S.P.Q. 173,178 (CCPA 1967). Applicants request that the Examiner identify with specificity the portions in Harriman, et al. that support the alleged ignoring of header information in any regard, let alone the level of detail offered by the Examiner.

For the above reasons, claim 1 is believed patentable in its present form.

Claims 2, 3 and 5-10 depend, directly or indirectly, from claim 1, and are believed to be patentable in view of their dependence from otherwise allowable base claim 1.

In addition, claims 2, 3 and 5-10 are believed to be patentable in their own right.

For example, claim 2 recites, in part, "wherein said extracting and generating steps are performed without use of a storage memory." (Emphasis added). The Examiner asserts that the steps of extracting and generating being performed without use of a storage memory, as recited in claim 2, is inherent in Harriman, et al. To establish inherency, extrinsic evidence "must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." *Continental Can Co. v. Monsanto Co.*, 948 F.2d 1264, 1268, 20 U.S.P.Q.2d 1746, 1749 (Fed. Cir. 1991); emphasis added. "Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *Id.* at 1269, 20 U.S.P.Q.2d at 1749 (quoting *In re Oelrich*, 666 F.2d 578, 581, 212 U.S.P.Q. 323, 326 (C.C.P.A. 1981).

Further, Harriman, et al. includes disclosure that negates this assertion of inherency.

Harriman, et al. discloses with respect to Fig. 1, "At the heart of the switching fabric 110 is a

shared memory store unit 112 . . .” (Column 3, lines 66-67; emphasis added). Upon receiving a cell from the source port 102, the switching fabric 110 extracts the payload data from the cell, stores it in its shared memory 112 over line 115 and records the memory address of that payload location in an address pointer 128. (Column 4, lines 35-39). Also, the input stage 210 of the multicast engine 200 preferably comprises a buffer memory that stores information prior to manipulation by the output stage 230. (Column 4, lines 65-67).

Accordingly, claim 2 is believed to be patentable in its own right.

Independent claim 11 is believed patentable for substantially the same reasons set forth above with respect to claim 1.

Claims 12-15, 19 and 20 depend, directly or indirectly, from claim 21, and are believed patentable in view of their dependence from otherwise allowable base claim 11.

In addition, claims 12-15, 19 and 20 are believed to be patentable in their own right.

For example, claim 13 recites, “The system of claim 12, wherein said filter device is memoryless.” (Emphasis added). The Examiner asserts that the subject matter of claim 13 is inherent in Harriman, et al. However, the Examiner has not shown that “the missing descriptive matter is necessarily present in the thing described in” Harriman, et al. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.

Further, Harriman, et al. includes disclosure that negates this assertion of inherency with respect to claim 13. As disclosed in Harriman, et al. with respect to Fig. 1, “At the heart of the switching fabric 110 is a shared memory store unit 112 . . .” (Column 3, lines 66-67; emphasis added). Upon receiving a cell from the source port 102, the switching fabric 110 extracts the payload data from the cell, stores it in its shared memory 112 over line 115 and records the memory address of that payload location in an address pointer 128. (Column 4, 2001-0134.02/LII0337.US

lines 35-39). Also, the input stage 210 of the multicast engine 200 preferably comprises a buffer memory that stores information prior to manipulation by the output stage 230.

(Column 4, lines 65-67).

Thus, Harriman, et al. does not disclose, teach, or suggest a configuration wherein the filter device is memoryless, as recited in claim 13. Accordingly, claim 13 is believed to be patentable in its own right.

Independent claim 21 is believed patentable for substantially the same reasons set forth above with respect to claim 1.

Claims 22-25 and 28-30 depend, directly or indirectly, from claim 21, and are believed to be patentable in view of their dependence from otherwise allowable base claim 21.

In addition, claim 22-25 and 28-30 are believed to be patentable in their own right.

For example, claim 23 recites, in part, wherein each of said filter device and said packet generator is memoryless. (Emphasis added). In rejecting claim 23, the Examiner relies on inherency. However, the Examiner has not shown that “the missing descriptive matter is necessarily present in the thing described in” Harriman, et al. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.

Further, Harriman, et al. includes disclosure that negates this assertion of inherency with respect to claim 23. Harriman, et al. discloses with respect to Fig. 1, “At the heart of the switching fabric 110 is a shared memory store unit 112 . . .” (Column 3, lines 66-67; emphasis added). Upon receiving a cell from the source port 102, the switching fabric 110 extracts the payload data from the cell, stores it in its shared memory 112 over line 115 and records the memory address of that payload location in an address pointer 128. (Column 4, lines 35-39). Also, the input stage 210 of the multicast engine 200 preferably comprises a

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buffer memory that stores information prior to manipulation by the output stage 230.

(Column 4, lines 65-67).

Thus, Harriman, et al. does not disclose, teach, or suggest a configuration wherein each of the filter device and the packet generator is memoryless, as recited in claim 23. Accordingly, claim 23 is believed to be patentable in its own right.

In view of the above, Applicants respectfully request that the rejection of claims 1-3, 5-15, 19-25 and 28-30 be withdrawn.

Claims 4, 16-18, 26 and 27 were rejected under 35 USC §103(a) as being unpatentable over Harriman, et al. in view of Ambe, et al. (U.S. Patent. No. 6,876,653). Applicants respectfully request reconsideration of the rejection of claims 4, 16-18, 26 and 27 in view of the following.

Claims 4, 16-18, 26 and 27 are believed patentable in view of their dependence from an otherwise allowable base and/or intervening claim. In addition, claims 4, 16-18, 26 and 27 are believed patentable in their own right.

The Examiner states at section 5 of the Office Action that that Harriman, et al. is silent on the state machine configured for receiving the signal from the filter device and issuing a request to the packet generator to transmit the response data packets (see state machine 22 figure 1 of this application). The Examiner asserts, however, that “Ambe, et al. teaches a filter comprising a state machine (141 fig. 14; col. 20, ln. 25-35) for purpose described above.”

The Examiner’s stated grounds for rejecting claim 4 set forth above, however, do not correspond to the claim language of claim 4. Claim 4 recites, “The method of claim 1, comprising the further step of transmitting a signal indicating that the response data packets should be sent.” No specific grounds are stated for the rejection of claim 4. In particular, the

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Examiner does not identify any portion of Harriman, et al. or Ambe, et al. that discloses “the further step of transmitting a signal indicating that the response data packets should be sent”, as recited in claim 4 (emphasis added). Accordingly, claim 4 is believed patentable in its own right.

Likewise, the Examiner’s stated grounds for rejecting claim 16 set forth above do not correspond to the claim language of claim 16. Claim 16 recites, “The system of claim 15, wherein said filter device is configured to transmit a signal indicating that said response data packets should be generated.” No specific grounds are stated for the rejection of claim 16. In particular, the Examiner does not identify any portion of Harriman, et al. or Ambe, et al. that discloses that the “filter device is configured to transmit a signal indicating that said response data packets should be generated”, as recited in claim 16 (emphasis added). Accordingly, claim 16 is believed patentable in its own right.

Claim 18 recites, “The system of claim 17, further comprising a protocol state machine configured for receiving the signal from said filter device and issuing a request to said packet generator to transmit said response data packets.” However, the Ambe, et al. state machine 141 (fast filtering processor (FFP) 141) described at column 21, lines 25-35, relied on the Examiner, operates on the first 64 bytes of the packet in determining actions to be taken, which is not based on a signal sent by the filter device. With the present invention, as recited in claim 18, the protocol state machine receives the signal, indicating that said response data packets should be generated, from the filter device and issues a request to the packet generator to transmit the response data packets.

Accordingly, claim 18 is believed to be patentable in its own right.

Claim 26 recites, “The device of claim 21, wherein said filter device is configured to transmit a signal indicating that said response data packets should be generated.” Claim 26 is believed patentable for substantially the same reasons set forth above with respect to claim 16.

Claim 27 recites, “The device of claim 26, further comprising a protocol state machine configured for receiving the signal from said filter device and issuing a request to said packet generator to transmit said response data packets. Claim 27 is believed patentable for substantially the same reasons set forth above with respect to claim 18.

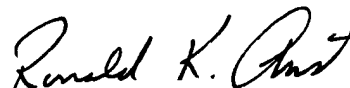
Accordingly, Applicants respectfully request that the rejection of claims 4, 16-18, 26 and 27 be withdrawn.

For the foregoing reasons, Applicants submit that the present application is in condition for allowance in its present form, and Applicants respectfully request withdrawal of all rejections and allowance of the claims.

In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally petition therefor and authorize that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (317) 894-0801.

Respectfully submitted,



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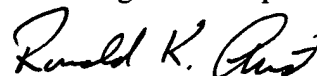
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Date